

FACSIMILE COVER SHEET

Date: September 20, 1999

To: Fred Silverberg, Special Program
Law Office of the Office of the
Deputy Assistant Commissioner
for Patent Policy and Projects

Fax No: 1 703 308 6916

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Client No: 5050/296

Serial No.: 08/746,360

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William A. Webb, Reg. No. 28,277
Name of applicant, assignee or Registered Representative
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Our Case No. 5050/296

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|-------------------------------------|
| In re Petition Under Rule 37 C.F.R. |) | |
| § 1.292 For The Institution Of A Public Use |) | |
| Proceeding Related To Application Of Ted |) | |
| Christopher |) | Attention: Fred Silverberg, Special |
| |) | Program Law Office of the |
| Serial No. 08/746,360 |) | Office of the Deputy |
| |) | Assistant Commissioner |
| Filing Date: |) | for Patent Policy and |
| |) | Projects |
| For FINITE AMPLITUDE DISTORTION- |) | |
| BASED INHOMOGENEOUS |) | |
| PULSE ECHO ULTRASONIC |) | |
| IMAGING |) | |

SUMMARY OF ARGUMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

At the preliminary hearing in this matter, petitioner Acuson Corporation
("Acuson") argued that the present public use petition should be granted without
reconsideration of the Examiner's findings. Acuson submits that the following points
argue against any reconsideration at this time.

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1. **Due Process Does Not Require Reconsideration At This Stage**

At present, no claims have been rejected based on the facts alleged in the petition. The only determination that has been made is that the facts alleged in the petition warrant the institution of a public use proceeding. If a public use proceeding is declared and rejections are later imposed based on facts established in the public use proceeding, applicant will at that time have full rights of appeal.

2. **The Requested Public Use Proceeding Will Not Be Unduly Burdensome On PTO Resources**

The public use procedure outlined in the MPEP imposes a small burden on PTO resources: a schedule is set and briefs are received. The Examiner's findings make it clear that this allocation of resources is warranted here.

Respectfully submitted,



William A. Webb
Registration No. 28,277

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by facsimile on this 20 day of SEPTEMBER, 1999 to John Sensny, Esq. at Scully Scott Murphy & Presser at facsimile number (516) 742-4366.

This 20 day of SEPTEMBER, 1999.

By:



William A. Webb

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